

nearby tribal casinos, he concluded that mere competition in the market was not a basis to deny the application.¹⁰⁷ He further noted that the applicant tribes had shown, by the Arthur Andersen and Dr. Murray studies, that the market for casino gaming in that area was not saturated. Both sides had been asked for data specifically on the issue of economic competition between existing facilities and the proposed casino, and neither had complied by providing such data. The applicants, however, responded in essence that competition was not a legal basis for rejection of the proposal. LaPointe further found that the applicants could not provide more market studies without more data from the opponents. LaPointe also found that the claim by the existing casino operators that expansion of gaming would erode their political power to protect Indian gaming did not outweigh the interests of the three applicant tribes in gaming within the limits of IGRA.

While LaPointe had some concerns regarding the parking lot lease arrangement between the applicant tribes and the track's owners, he ultimately decided that the NIGC would address whether that arrangement was appropriate and decided not to withhold his recommendation of approval.

Based on his review, LaPointe concluded that the acquisition would not have a "detrimental effect on the surrounding community" as those terms are used in IGRA Section

¹⁰⁶(...continued)
studies estimating the likely net receipts of the casino operation, one by Arthur Andersen's Las Vegas, Nev., office dated March 1994, and one by James M. Murray, Ph.D., a professor at the University of Wisconsin at Green Bay.

¹⁰⁷As for the St. Croix, the casino operator closest to the Hudson site, LaPointe "question[ed]" their opposition because they had two casinos currently in operation and they were contemplating the purchase and conversion of the Lake Geneva dog track to a casino. *Id.* at 19-20.